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10/690,333

10/21/2003

Howard G. Fussell

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12/02/2004

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EXAMINER

KRAMSKAYA, MARINA

ART UNIT

PAPER NUMBER

2858

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,333

Applicant(s)

FUSSELL ET AL.

Examiner

Marina Kramskaya

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 and 29-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/09/2004</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11 & 29-41, drawn to "test paddle" device, classified in class 439, subclass 482.
  - II. Claims 12-23, drawn to "binding post" device, classified in class 439, subclass 884.
  - III. Claims 24-28, drawn to "test device" apparatus, classified in class 324, subclass 418.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as a circuit board insertable into a device under test, for example a switch or a relay as taught by the applicant, for further connection to a testing unit connectable to the studs by alligator clips, where the invention group II (binding post) would not be necessary. See MPEP § 806.05(d).

In the instant case, invention group II has separate utility such as a connector for various wires or cables, where invention group I (test paddle) would not be necessary. See MPEP § 806.05(d).

3. Invention III (test device) and Invention I (test paddle) and II (binding post) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed.

The testing device does not require the claimed binding post for connection between the said test device and test equipment; alligator clips or other clamp-on connectors can be used to insure a connection. The subcombination has separate utility such as a connector for wires or cables in household power applications.

The testing device does not require the claimed test paddle for connection between the said test device and test equipment; a circuit board can be utilized as a means of connecting test equipment to the device under test or the relay. The subcombination has separate utility such as interconnection device for two or more pieces of equipment that need to have an electrical connection.

4. During a telephone conversation with J. Robert Brown on 11/19/2004 a provisional election was made with traverse to prosecute the invention of group III, claims 24-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-23 & 29-41 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

5. The drawings are objected to because the reference numerals are unclear and reference lines are unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

6. Claim 25 is objected to because of the following informalities: it is unclear what the said "barrier" which "inhibits contact" between the contacts and what other component. Appropriate correction is required.

7. Claim 27 is objected to because of the following informalities: line 1 of Claim 27 states, "comprising a plurality wherein"; it is unclear a plurality of what component(s) is/are claimed. Appropriate correction is required.

8. Claim 28 is objected to because of the following informalities: it is unclear if the inner chamber and the cover claimed refer to the test paddle or the binding post. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 24-26 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, US 6,025,760, in view of Nugent, US 5,713,765.

As per Claim 24, Tang discloses:

a test device connectable to a device and connectable to test equipment to test the relay, the test device comprising:

- a test paddle having:
  - a body portion having a stud opening (FIG. 8A-8B, opening for part **94**) and a contact opening (FIG. 8A-8B, openings for parts 60 & 68),
  - a stud extending through the stud opening **94**,
  - a contact **60** extending through the contact opening and electrically coupled to the stud **94** (FIG. 8A), and
  - a handle **41** configured for grasping by the hand of an individual and provided to promote insertion and removal of the test paddle from the device under test.

Tang further discloses a simple threaded screw to promote connection; however, Tang does not disclose a binding post having:

- a cover having an inner chamber and an outer surface configured to promote rotation of the cover, and
- an insert having a shaft coupleable to the inner chamber of the cover, the first end of the shaft configured to couple with the stud on the test paddle.

Nugent discloses a binding post having:

- a cover **B** having an inner chamber **28** and an outer surface **16** configured to promote rotation of the cover (FIG. 5-7), and

- an insert **A** having a shaft **14** coupleable to the inner chamber **28** of the cover, the first end of the shaft **23** configured to couple with the stud on the test paddle.

Therefore it would have been obvious to a person of ordinary skill in the art to replace the screws, as taught by Tang, with a binding post as taught by Nugent, in order to increase connectivity by promoting a more secure connection between the contacts and the device under test. Further, it would be obvious to couple the first end of the binding post to a stud on the test paddle, as the binding post, as taught by Nugent, is configured to couple with any stud through the first end **23**.

As per Claim 25, Tang further discloses the test device of Claim 24, wherein the body includes a plurality of stud openings (three openings for **94**) and a plurality of contact openings (opening for parts **60 & 68**), and wherein the test device further comprising a plurality of studs (**94**, total of 3) extending through the plurality of stud openings and a plurality of contacts (**60 & 68**) extending through the contact openings, each of the plurality of contacts electrically coupled to one of the studs (FIG. 8A & 8B).

Claim 26, as best understood by the examiner, the said barrier inhibits contact between the contacts and other external objects.

As per Claim 26, Tang further discloses the test device of Claim 25, wherein a barrier (**58 & 62**) extends from the body to inhibit contact with the contacts (column 4, lines 42-43).



Claim 28, as best understood by the examiner, the said "inner chamber" and the "cover" refer to the binding post.

As per Claim 28, Tang in view of Nugent, discloses the test device as applied to Claim 24 above.

Tang does not disclose a binding post with an inner chamber extending through the cover, where one end is operable to couple to a banana jack.

Nugent discloses a binding post (FIG. 2) with an inner chamber extending through cover from a first end **9** to a second end **1** of the cover and wherein a second end **1** of insert is operable to couple to a banana jack (FIG. 3) (column 2, lines 20-24).

Therefore, it would have been obvious to a person of ordinary skill in the art to include a binding post where one end is operable to couple to a banana jack, as taught by Nugent, in the device of Tang, in order to promote connection by the pressure created by the banana plug against the inner chamber of the binding post to make an electrical connection.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of Nugent, further in view of Blauvelt, US 6,685,483.

As best understood by the examiner, the said "plurality" refers to a plurality of binding posts.

Tang in view of Nugent, disclose the test device as applied to Claim 26 above.

Tang in view of Nugent do not disclose a plurality of binding posts, wherein the inserts of the plurality of binding posts are disconnectable from the respective studs.

Blauvelt discloses a plurality of binding posts, wherein the inserts of the plurality of binding posts **30, 32, 34, & 36** are disconnectable from the respective studs.

Therefore, it would have been obvious to a person of ordinary skill in the art to include a plurality of binding posts which are disconnectable from the respective studs, as taught by Blauvelt, in order to connect a plurality of leads to the binding posts if they are attached to the studs, or to connect leads directly to the studs if the binding posts are disconnected.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Waas et al., US 5,149,278, discloses a binding post with an inner and outer chamber and with an insert. Dickens, US 2003/0100219 A1, discloses a testing device with a plurality of detachable binding posts.

The foreign reference, DE 1,296,261, was not considered because an English translation was not provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Kramskaya whose telephone number is (571)272-2146. The examiner can normally be reached on M-F 7:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571)272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MK

Marina Kramskaya  
Examiner  
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